IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1040 OF 2007
IN
REVIEW PETITION ST.NO.6464 OF 2007
IN
WRIT PETITION NO.4881 OF 2005

Eknath Narayan Bhoir .. Applicant

Vs.

Shalik Laxman Patil & Anr. .. Respondents

Mr.A.A.Garge i/b Mr.Yogesh Dabke for the applicant

Mr.A.S.Gadkari for respondent no.1

Smt.P.S.Cardozo, A.G.P. for the state

CORAM : J.N.PATEL, J

DATED : 24TH APRIL, 2007
(IN CHAMBER)

P.C.:

1. This is an application for review pursuant to the order passed in Letters Patent Appeal where the Division Bench granted liberty to the petitioner to seek review of this courts order dismissing their writ petition impugning the order passed by the Revenue Authorities relating to mutation entry.

2. The main contention of the learned counsel appearing for the review applicant is that the applicant had an alternate remedy to prefer an appeal under the Maharashtra Land Revenue Code and therefore, he may be permitted to prosecute the alternate remedy by withdrawing the writ petition. It is brought to the notice of this court that in an identical matter such an exercise was undertaken and this court granted liberty.

3. With due respect to the decision of the Division Bench which granted such liberty in a Letters Patent Appeal merely for asking by the Petitioner and without examining the legality of the impugned order and tenability of the appeal, I am of the opinion that as the applicant / petitioner having exercised the option and elected to challenge the impugned order by preferring a writ petition under Article 227 of the Constitution of India which was entertained by this court and dismissed, now the alternate remedy which he claims he can avail of, is not available to the petitioner and therefore, this cannot be a ground to review

the order passed by this court while dismissing the writ petition as there is no error apparent on the face of the record to invite any such interference, as such an application for review is dismissed with costs.

(SHRI J.N. PATEL, J)